



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,890	02/04/2004	Hobie Reber	HOB-P-04-001	3879
29013	7590	05/18/2006	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647				ALLEN, WILLIAM J
		ART UNIT		PAPER NUMBER
				3625

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,890	REBER, HOBIE	
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 March 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Prosecution History Summary

Claims 1-20 are pending in the application.

Claims 1, 6, 8, 15, and 19 have been amended.

Response to Amendment

Applicant's amendment to claim 19 has been acknowledged and the objection withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 8-11, 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunson (US 2001/0034664).**

Regarding claim 8, Brunson teaches:

providing a computer network (see at least: abstract, Fig. 1);

providing a database connected to the computer network wherein the database stores merchant information associated with the merchant and further wherein the merchant information has the location of the merchant within the multi-dealer retail establishment (see at least: abstract, 0007, 0029, 0038, Fig. 1, 3-11);

inputting a product list of the merchant into the merchant information in the database wherein the product list has item information associated with items offered for sale by the merchant (see at least: abstract, 0007, 0029, 0038); The Examiner notes that the product server database contains information on products available from various retailer (i.e. a list of products available at the different retailers);

providing a terminal in the multi-dealer retail establishment wherein the terminal access the database for displaying the merchant information of the merchant in the database via a computer network wherein the terminal is only accessible at the multi-

dealer retail establishment (see at least: abstract, 0007, 0027, Fig. 1, 10-11); The Examiner notes that the kiosk may be located in many venues such as a shopping mall (i.e. *multi dealer establishment*) wherein the kiosk is only accessible in that venue (e.g. the user may only access the shopping mall kiosk while in the shopping mall).

searching the product list in the merchant information based on item information associated with the item (see at least: abstract).

determining the location of the merchant in the multi-dealer retail establishment based on the product list wherein the terminal displays the location of the item in the multi-retail establishment based on the merchant information (see at least: abstract, 0007, 0035, 0038, Fig. 10-12). The Examiner notes that, based on the input criteria such as a specific product, the system determines a retailer (i.e. a *merchant location* in the shopping mall) for that specific product. Additionally, the interfaces used display the results (i.e. product location for a product location search) on display 130 of Figure 1.

Regarding claims 9-11, Brunson teaches:

- (9) *wherein the computer network is the internet* (see at least: 0030);
- (10) *wherein the first access to the database is wireless* (see at least: 0031);
- (11) *providing a remote server and storing the database on the remote server* (see at least: Fig. 1).

Regarding claim 13, Brunson teaches *wherein the first access is from a remote computer terminal with respect to the database* (see at least: abstract, Fig. 1).

Regarding claim 18, Brunson teaches *wherein the item information includes geographic information associated with the item for sale by the merchant* (see at least: abstract,). The Examiner notes that returning a product location from the database constitutes returning *geographic information* on the product.

Regarding claims 1 and 2, the limitations set forth in claims 1 and 2 closely parallel the limitations of claims 8 and 9. Claims 1 and 2 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-5, 7 12, 14-15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Pugliese III et al (US 2001/0044751, herein referred to as Pugliese).**

Regarding claims 3 and 15, Brunson teaches all of the above and further teaches a *remote server wherein the database is contained on the remote server* (see at least: Fig. 1). Brunson, however, does not expressly teach a *website providing access to the database*. Pugliese teaches a shopper system for accessing merchant information via various portals such as a mall or in-store kiosk (see at least: abstract). Pugliese further teaches a *website for providing access to the database* (see at least: 0099, 0249). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *providing a second access to the database for modifying the merchant information in the database via the computer network* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claims 4 and 12, Brunson teaches all of the above but does not expressly teach *providing a second access to the database for modifying the merchant information in the database via the computer network*. Pugliese teaches a shopper system for accessing merchant information via various portals such as a mall or in-store kiosk (see at least: abstract). Pugliese further teaches *providing a second access to the database for modifying the merchant information in the database via the computer network* (see at least: 0332, 0334-0335, 0341). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *providing a second access to the database for modifying the merchant information in the database via the computer network* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claims 5 and 14, Brunson teaches all of the above as noted but does not expressly teach *providing a password for accessing the merchant information in the database via the computer system*. Pugliese teaches *providing a password for accessing the merchant information in the database via the computer system* (see at least: 0332, 0334-0335, 0341). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *providing a password for accessing the merchant information in the database via the computer system* as taught by Pugliese in order to provide a system that supports

existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claims 7 and 17, Brunson teaches all of the above and further teaches uploading images in real-time to shoppers (see at least: Fig. 11). Brunson, however, does not expressly teach *downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item*. Pugliese teaches *downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item* (see at least: 0039, 0125, 0150, 0271, Fig. 15). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the item* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claim 19, Brunson teaches all of the above and further teaches a user inputting information and performing a search based on the information (see at least: abstract). Brunson however does not expressly show inputting user information *into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user*

information. Pugliese teaches inputting user information into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information (see at least: 0086, 0117, 0143, 0177-0179). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included inputting user information *into the database via the computer system wherein the information is associated with the user and searching the product list in the merchant information based on the user information* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claim 20, Brunson teaches all of the above and further teaches accessing product availability information (see at least: abstract). Brunson, however, does not expressly show *inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system*. Pugliese teaches *inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system* (see at least: 0099, 0126, 0140). It would have been obvious to one of ordinary

skill in the art at the time of invention to have modified the invention of Brunson to have included *inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of PTO 892 reference u (herein referred to as 892u).

Regarding claims 6 and 16, Brunson teaches all of the above as noted and further teaches locating a product (see at least: abstract). Brunson, however, does not expressly teach *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map.* 892u teaches *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map* (see at least: Page 1). It would have been obvious to one of ordinary skill in the art to have modified the invention of Brunson to have included *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map* as taught by 892u in order to provide an easy, interactive means for displaying an animated map directing a customer to a particular store (see at least: 892u, Page 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 4,982,346 discloses a mall promotion network apparatus and method
- 892v discloses displaying a map in a mall with the location of a merchant and item

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen
Patent Examiner
May 11, 2006



Jeffrey A. Smith
Primary Examiner